

ORDINANCE NO. 86-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA PROVIDING FOR AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA, PROVIDING THAT THE COUNTY ORDINANCES RELATING TO SCHOOL IMPACT FEES SHALL PREVAIL OVER CONFLICTING MUNICIPAL ORDINANCES; PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF AMENDMENT TO CHARTER; PROVIDING FOR REFERENDUM; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR BALLOT LANGUAGE; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter, and

WHEREAS, the optional county charter law, Sections 125.80 through 125.88, Florida Statutes, (inclusive), provide that the Board of County Commissioners may propose a charter by ordinance subject to approval of the charter by referendum, and

WHEREAS, the voters of Palm Beach County did adopt a charter for Palm Beach County at the general election on November 6, 1984 effective January 1, 1985, and

WHEREAS, the Board of County Commissioners through its staff has proposed charter amendments it feels would provide better government and better land use regulation for Palm Beach County, and

WHEREAS, informational hearings on the proposed charter amendments have been held throughout Palm Beach County to inform the public about the charter and to receive suggestions to improve the charter, and

WHEREAS, passage of this ordinance will allow the residents of Palm Beach County to adopt the proposed charter amendments or not at a general election to be held November 4, 1986.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1 SECTION 1 - TITLE:

2 This ordinance may be cited as the "School Impact Fee Charter
3 Amendment Ordinance".

4 SECTION 2 - ADOPTION OF CHARTER AMENDMENT:

5 Subject to the approval of the electorate as required by the
6 Constitution and Laws of Florida and Section 3 of this ordinance, Section
7 1.3 of Article I of the Palm Beach County Charter, as adopted by
8 Ordinance No. 84-8 is hereby amended to read as follows:

9 Section 1.3 Scope of County's Ordinances - Conflict with
10 Municipal Ordinances. Municipal ordinances shall prevail over
11 County ordinances to the extent of any conflict regardless of
12 the time of passage of the municipal ordinance, except that
13 County ordinances shall prevail over conflicting municipal
14 ordinances in matters related to school impact fees.

15 SECTION 3 - REFERENDUM:

16 On November 4, 1986, a general election is to be held and in
17 accordance with the requirements of the Constitution and Laws of Florida,
18 the question on the ballot shall be as follows:

19 PALM BEACH COUNTY
20 SCHOOL IMPACT FEES

21 "Shall there be an amendment to the Palm Beach County Charter
22 authorizing the Board of County Commissioners to adopt countywide
23 ordinances assessing school impact fees on development which ordinances
24 would prevail over conflicting municipal ordinances.

25 Yes _____

26 No _____

27 SECTION 4 - FORM OF NOTICE:

28 The form of notice of the election by which this charter
29 amendment shall be submitted to referendum shall contain the complete
30 text of this Ordinance setting forth the entire proposed amendment as
31 provided by law.

32 SECTION 5 - ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY
33 COMMISSIONERS:

34 Pursuant to Section 6.3 of the Palm Beach County Charter this
35 ordinance providng for amendment to the Palm Beach County Charter was

1 adopted by an affirmative vote of at least four (4) members of the Board
2 of County Commissioners of Palm Beach County.

3 SECTION 6 - SEVERABILITY:

4 If any section, paragraph, sentence, clause, phrase, or word of
5 this ordinance is for any reason held by the Court to be unconstitu-
6 tional, inoperative or void, such holding shall not affect the remainder
7 of this ordinance.

8 SECTION 7 - INCLUSION IN THE CHARTER:

9 The provisions of this ordinance shall become and be made a
10 part of the Home Rule Charter of Palm Beach County, Florida. The
11 Articles or Sections of this charter amendment ordinance may be renumbered or
12 relettered to accomplish such, and the word "amendment" may be changed to
13 "section," "article," or any other appropriate word.

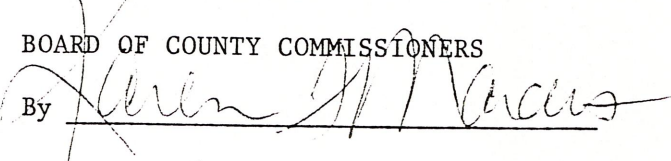
14 SECTION 8 - EFFECTIVE DATE:

15 The charter amendment shall become law on January 1, 1987, if
16 approved by a majority of those electors voting on the matter.

17 APPROVED AND ADOPTED by the Board of County Commissioners of
18 Palm Beach County, Florida, on the 26th day of August, 1986.

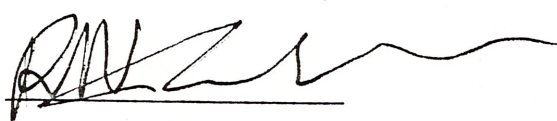
19 PALM BEACH COUNTY, FLORIDA, BY ITS

20 BOARD OF COUNTY COMMISSIONERS

21 By 
22 Chair

23 APPROVED AS TO FORM AND

24 LEGAL SUFFICIENCY

25 
26 County Attorney

27 Acknowledgement by the Department of State of the State of
28 Florida, on this, the 5th day of Sept., 1986.

1 Acknowledgement from the Department of State
2 received on the 11th day of September, 1986, at 1:23 P.M., and filed in
3 the Office of the Clerk of the Board of County Commissioners of Palm
4 Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on August 26, 1986
DATED at West Palm Beach, FL on 9/15/86
JOHN B. DUNKLE, Clerk
By: [Signature] DC
Deputy Clerk